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February 15, 2008
MEMO ENDORSED

TRIAL COUNSEL'S EYES ONLY

VIA FACSIMILE

The Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007

Re: Leighton Technologies LLC v. Oberthur Card Systems, S.A., et al.
Case No. 04 Civ. 02496 (CM)(LMS)

Dear Judge McMahon:

We apologize for the delay in providing your Honor with potential dates for the upcoming trial of the inventorship issue. Both sides have spent substantial time and effort working together to try to resolve a number of conflicts with the scheduling of the above matter. Conflicts have arisen, including serious health issues and other scheduled trials that have complicated the process. Because of the length of the delay in providing dates, we want to provide the Court with a brief explanation for both the delay, and for the request that the Court set the matter for trial on a date after April 22, 2008.

Upon returning home to Cleveland at the conclusion of the evidentiary hearing in November, Mrs. Leighton, who is 78 years old, was admitted on November 7, 2007 into the hospital for internal bleeding. A number of years earlier, Mrs. Leighton was airlifted to the hospital for the same problem. The doctors have done substantial testing, and they have prescribed medication and pain relievers, however the doctors have concluded that extensive surgery is necessary to address Mrs. Leighton's health issues. Because of Mrs. Leighton's current state of health, Mr. Leighton cannot leave Mrs. Leighton alone to attend the trial prior to her surgery. She is currently scheduled for surgery on March 14, 2008 at the Cleveland Clinic. The surgery is state of the art and is only performed in limited locations in the country. The surgeons will remove a large part of Mrs. Leighton's sigmoid and descending colon. Mrs. Leighton will remain in the hospital for a week after surgery, and will be unable to have solid

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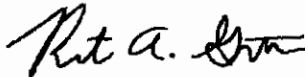
foods for a period of time after that. Since Mr. Leighton is his wife's primary care giver, he is scheduled to receive visits at home from hospital staff as to how to care for Mrs. Leighton during the 4 - 6 week recovery period.

For the above reasons, Mr. Leighton is not available until after April 22, 2008 for preparation and trial.

Counsel for Oberthur has informed us that they have conflicts with trial in other cases in late April and May. Mr. DeFranco has a four to five week trade secret trial set to begin in Florida on May 5th, with expert depositions to take place during the week of April 21. Mr. Johnson has a four week patent trial also starting on May 6th in Las Vegas, and he plans to be in Las Vegas the week of April 21 preparing for that trial.

In light of the above conflicts, it appears that the parties will not be available for the preliminary trial until late June. The parties estimate that the trial will take three days. The parties are ready to conduct a telephone conference at the Court's convenience to discuss this further.

Respectfully submitted,



Robert A. Gutkin
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Counsel for Plaintiff

 *By R.A.G. with permission*

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